AMENDMENTS TO THE DRAWINGS

Applicant submits herewith three (3) replacement drawing sheets for FIGS. 4, 10 and 12,

in which the label for reference character 16 has been amended to read --Flag-- instead of

"Flug." Applicant submits that these three replacement drawing sheets obviate the Examiner's

objections to the drawing figures.

Attachment: Three (3) Replacement Sheets

REMARKS

I.   Formalities

Applicant thanks the Examiner for acknowledging the claim for priority under 35

U.S.C. § 119, and receipt of the certified copy of the priority document submitted on July 25,

2003.

Applicant thanks the Examiner for considering the references cited with the Information

Disclosure Statement filed on October 31, 2003, October 25, 2005 and May 7, 2007,

respectively.

II.   Status of the Application

By the present amendment, Applicant amends claims 2-26. Applicant also adds claim 27.

Further, Applicant hereby cancels claim 1 without prejudice or disclaimer. Claims 2-27 are all

the claims pending in the Application.

The present Amendment addresses each point of rejection raised by the Examiner.

Favorable reconsideration is respectfully requested.

III.   Allowable Subject Matter

Applicant thanks the Examiner for indicating that claims 8, 21, and 23 would be

allowable if rewritten in independent form. However, Applicant respectfully requests that the

Examiner hold in abeyance such rewriting until the Examiner has had an opportunity to

reconsider (and withdraw) the prior art rejection of the other claims.

Also, Applicant thanks the Examiner for indicating that claims 10-18 and 24-26 are

allowed.

IV.   Objections to the Drawings

The Examiner has objected to the drawings, alleging various informalities. Applicant has corrected the informalities noted by the Examiner, as set forth in the enclosed replacement drawings sheets. As such, Applicant respectfully requests that the Examiner withdraw these objections.

V.   Claim Objections

The Examiner has objected to claim 8, alleging various informalities. Applicant has corrected the informalities noted by the Examiner, as set forth above. Accordingly, Applicant respectfully requests that the Examiner withdraw these objections.

VI.   Claim Rejections - 35 U.S.C. § 112

The Examiner has rejected claims 1 and 3 under 35 U.S.C. § 112 as allegedly being indefinite. Applicant has canceled claim 1 without prejudice or disclaimer and, therefore, the Examiner's rejections with respect to claim 1 are now moot.

Further, the Examiner alleges that "a sub-code synchronization" in claim 3 is also indefinite because "it is unclear whether the 'a sub-code synchronization' in line 10 is the same one as in line 5 or a second one." However, Applicant respectfully submits that it would be readily discernable to one of ordinary skill in the art that the recitation "said sub-code synchronization signal" in line 2 of claim 3 derives proper antecedent basis from the recitation of "a controller configured to write a sub-code synchronization signal generated by performing a predefined synchronization protection on synchronization information that is included in said sub-code data," as recited in claim 27, from which claim 3 depends.

In light of the above clarification, Applicant respectfully requests that the Examiner withdraw these rejections.

V.   Claim Rejections under 35 U.S.C. §102

The Examiner has rejected claims 1-7, 9, 19, 20, and 22 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,058,453 to Packer (hereinafter "Packer"). Applicant respectfully traverses these rejections for *at least* the reasons set forth below.

As an initial matter, Applicant notes that claim 1 has been canceled without prejudice or disclaimer and, therefore, the Examiner's rejections with respect to claim 1 are now moot. Further, claims 2-7 and 9 have been amended to depend from new claim 27 and Applicant submits that claims 2-7 and 9 are allowable *at least* by virtue of their dependency.

A.   Independent Claims 19 and 22

The grounds of rejection fail with respect to independent claims 19 and 22 because Packer does not disclose or suggest each and every element of these claims as required by MPEP § 2131. With regards to claim 19, for example, the Examiner takes the position that claim 19 is rejected for the same reasons as per claim 1. As an initial matter, Applicant notes that the grounds of rejection fail to recognize that claims 19 and 22 are independent formulations of the present invention and that each contain different recitations than claim 1. Thus, the grounds of rejection are improper for *at least* these reasons.

Further, turning to the grounds of rejection set forth respect to claim 1, first, the Examiner alleges that the element of an interleave RAM control means for writing a sub-code synchronization signal generated by performing a predefined synchronization protection on synchronization information included in the sub-code into an empty area of said interleave RAM

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to manage addresses with a FIFO area in a manner similar to the main data, causing the read sub-code synchronization signal to function in synchronization with the main data is disclosed by Packer at FIG. 5A (reference nos. 504a, 504b, 510, 400, 516, 519), col. 7, lines 12-20 and lines 51-67, col. 8, lines 1-9.

However, the cited figure and passages are actually directed to synchronizing sub-code and main data through the use of a sub-code stream component <u>counter</u>, and <u>not</u> by using a sub-code synchronization signal, as claimed. In fact, a component counter like that disclosed in Packer, which merely tracks sub-code data iteratively, is completely different than a synchronization signal generated by performing a predefined synchronization protection on synchronization information included in the sub-code, as claimed. Indeed, the counter disclosed in Packer merely tracks a sub-code stream. Therefore, Applicant submits that claim 19 is not anticipated by Packer for *at least* these reasons.

Second, Packer's sub-code stream does not correspond to a sub-code synchronization signal, as claimed. As described in the present application's specification, for example, there are a number of playback methods employed in the art for playback synchronization. *See* Figs. 3A to 3C. To this effect, FIG. 3C describes a data timing method which employs a counter similar to the method described in Packer. *See* page 8 lines 16-22. However, neither the implementations shown in FIG. 3, nor the counter disclosed in Packer, makes use of a sub-code synchronization signal generated by performing a predefined synchronization protection on synchronization information included in the sub-code to do so, as claimed. Indeed, Applicant submits that Packer provides no disclosure whatsoever regarding such a sub-code

synchronization signal. Thus, claim 19 is not anticipated by Packer for *at least* these additional reasons.

Third, there is no disclosure in Packer relating to managing addresses with a FIFO area in a manner similar to the main data, as claimed. Contrary to the claim requirements, synchronization in Packer is achieved through the use of a DS counter, and not through managing addresses with a FIFO area in a manner similar to the main data. *See e.g.,* col. 7, lines 18-20. While Packer discloses a FIFO 504b, Packer does not disclose managing the data in the FIFO 504b in a manner similar to the main data, as claimed. As such, Applicant submits that claim 19 is allowable for *at least* these additional reasons.

Additionally, Applicant submits that, in view of the similarity between the requirements of claim 22 and the requirements discussed above, arguments analogous to the foregoing arguments as to the patentability of independent claim 19 demonstrate the patentability of claim 22. As such, it is respectfully submitted that claim 22 are patentably distinguishable over Packer *at least* for reasons analogous to those presented above. Accordingly, Applicant respectfully requests that the Examiner withdraw these rejections.

B.   Dependent Claim 20.

Applicant submits that the dependent claim 20 is allowable at least by virtue of its dependency. Thus, Applicant respectfully requests that the Examiner withdraw this rejection.

VI.   New Claim

Applicant hereby adds new claim 27 to more fully cover various implementations of the present invention. Claim 27 is fully supported by the original specification and no new matter

has been added. Applicant submits that claim 27 is patentable over the cited references *at least*

for reasons analogous to those presented above.

VII.   Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

overpayments to said Deposit Account.

Respectfully submitted,

/ Andrew J. Taska /

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